



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other “materials deemed fitting and proper by the Administrative Rules Review Committee” include summaries of Public Hearings, Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers’ Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)“a”]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike through letters~~ indicate deleted material.

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Des Moines, IA 50319
Telephone: (515)281-3568

Schedule for Rule Making 2003

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Jan. 3 '03	Jan. 22 '03	Feb. 11 '03	Feb. 26 '03	Feb. 28 '03	Mar. 19 '03	Apr. 23 '03	July 21 '03
Jan. 17	Feb. 5	Feb. 25	Mar. 12	Mar. 14	Apr. 2	May 7	Aug. 4
Jan. 31	Feb. 19	Mar. 11	Mar. 26	Mar. 28	Apr. 16	May 21	Aug. 18
Feb. 14	Mar. 5	Mar. 25	Apr. 9	Apr. 11	Apr. 30	June 4	Sept. 1
Feb. 28	Mar. 19	Apr. 8	Apr. 23	Apr. 25	May 14	June 18	Sept. 15
Mar. 14	Apr. 2	Apr. 22	May 7	May 9	May 28	July 2	Sept. 29
Mar. 28	Apr. 16	May 6	May 21	May 23	June 11	July 16	Oct. 13
Apr. 11	Apr. 30	May 20	June 4	June 6	June 25	July 30	Oct. 27
Apr. 25	May 14	June 3	June 18	June 20	July 9	Aug. 13	Nov. 10
May 9	May 28	June 17	July 2	July 4	July 23	Aug. 27	Nov. 24
May 23	June 11	July 1	July 16	July 18	Aug. 6	Sept. 10	Dec. 8
June 6	June 25	July 15	July 30	Aug. 1	Aug. 20	Sept. 24	Dec. 22
June 20	July 9	July 29	Aug. 13	Aug. 15	Sept. 3	Oct. 8	Jan. 5 '04
July 4	July 23	Aug. 12	Aug. 27	Aug. 29	Sept. 17	Oct. 22	Jan. 19 '04
July 18	Aug. 6	Aug. 26	Sept. 10	Sept. 12	Oct. 1	Nov. 5	Feb. 2 '04
Aug. 1	Aug. 20	Sept. 9	Sept. 24	Sept. 26	Oct. 15	Nov. 19	Feb. 16 '04
Aug. 15	Sept. 3	Sept. 23	Oct. 8	Oct. 10	Oct. 29	Dec. 3	Mar. 1 '04
Aug. 29	Sept. 17	Oct. 7	Oct. 22	Oct. 24	Nov. 12	Dec. 17	Mar. 15 '04
Sept. 12	Oct. 1	Oct. 21	Nov. 5	Nov. 7	Nov. 26	Dec. 31	Mar. 29 '04
Sept. 26	Oct. 15	Nov. 4	Nov. 19	***Nov. 19***	Dec. 10	Jan. 14 '04	Apr. 12 '04
Oct. 10	Oct. 29	Nov. 18	Dec. 3	Dec. 5	Dec. 24	Jan. 28 '04	Apr. 26 '04
Oct. 24	Nov. 12	Dec. 2	Dec. 17	***Dec. 17***	Jan. 7 '04	Feb. 11 '04	May 10 '04
Nov. 7	Nov. 26	Dec. 16	Dec. 31	Jan. 2 '04	Jan. 21 '04	Feb. 25 '04	May 24 '04
Nov. 19	Dec. 10	Dec. 30	Jan. 14 '04	Jan. 16 '04	Feb. 4 '04	Mar. 10 '04	June 7 '04
Dec. 5	Dec. 24	Jan. 13 '04	Jan. 28 '04	Jan. 30 '04	Feb. 18 '04	Mar. 24 '04	June 21 '04
Dec. 17	Jan. 7 '04	Jan. 27 '04	Feb. 11 '04	Feb. 13 '04	Mar. 3 '04	Apr. 7 '04	July 5 '04
Jan. 2 '04	Jan. 21 '04	Feb. 10 '04	Feb. 25 '04	Feb. 27 '04	Mar. 17 '04	Apr. 21 '04	July 19 '04

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
17	Friday, January 31, 2003	February 19, 2003
18	Friday, February 14, 2003	March 5, 2003
19	Friday, February 28, 2003	March 19, 2003

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. Bates, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses Interleaf 6 to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

1. To facilitate the publication of rule-making documents, we request that you send your document(s) as an attachment(s) to an E-mail message, addressed to both of the following:

bruce.carr@legis.state.ia.us and
kathleen.bates@legis.state.ia.us

2. Alternatively, you may send a PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, First Floor South, Grimes State Office Building, or included with the documents submitted to the Governor's Administrative Rules Coordinator.

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies by the Governor's office, but not on the diskettes; diskettes are returned unchanged.

Your cooperation helps us print the Bulletin more quickly and cost-effectively than was previously possible and is greatly appreciated.

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2002 SUMMER EDITION

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The Administrative Rules Review Committee will hold a special meeting on Friday, February 14, 2003, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Pseudorabies monitoring test, 64.156(2), Notice **ARC 2247B**, also Filed Emergency **ARC 2249B** 1/22/03

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Water quality, 61.2(2)"b"(44) and (47), 61.2(4), 61.2(5), 61.3(1)"b," 61.3(2)"h,"
61.3(3)"a" and "b," 61.3(5), 62.8(2), 72.50(2), Notice **ARC 2228B** 1/8/03

Permit coverage for storm sewer systems,
64.13(2)"b," Filed Emergency **ARC 2241B** 1/8/03

Prohibition of construction of confinement feeding operations
in 100-year flood plain of major water sources, 65.1, 65.7(3)"d,"
65.8(3)"c" to "e," 65.9(1)"o," 65.15(10), 70.2, 70.4(3)"a,"
71.3, 71.13, 72.2(9), 72.3(5), 72.13, Notice **ARC 2229B** 1/8/03

Evaluation of proposed confinement feeding operation by county board
of supervisors using master matrix, 65.10(3) to 65.10(9), Filed Emergency After Notice **ARC 2242B** 1/8/03

Beverage container deposits, 107.2, 107.3(5), 107.4, 107.4(1) to 107.4(4),
107.9, 107.14, Filed Emergency After Notice **ARC 2240B** 1/8/03

Registration of waste tire haulers, ch 116, Notice **ARC 2230B** 1/8/03

HUMAN SERVICES DEPARTMENT[441]

Granting assistance—battered aliens; hardship status, 41.22(13)"c,"
41.23(4), 41.23(5)"a," 41.24(2)"f," 41.24(9)"b"(1), 41.27(5),
41.27(5)"a" and "b," 41.30(3), 41.30(3)"a"(8), 41.30(3)"d"(5)"6,"
Filed Emergency After Notice **ARC 2235B** 1/8/03

Family investment program eligibility under self-employment demonstration projects,
rescind ch 48, Notice **ARC 2244B** 1/8/03

Cost-of-living adjustments to state supplemental assistance and Medicaid programs,
51.4(1), 51.7, 52.1(1) to 52.1(3), 52.1(3)"a"(2), 75.5(3)"d," 75.16(2)"d"(3),
177.4(3), Filed Emergency **ARC 2236B** 1/8/03

Disqualification provisions for food stamp applicants, 65.3, 65.27(1), 65.28(14)"a" and "c,"
65.28(18), 65.28(19), Filed Emergency After Notice **ARC 2239B** 1/8/03

Food stamp eligibility for some legal immigrants, 65.37, Notice **ARC 2248B** 1/22/03

Medicaid eligibility for "expanded specified low-income Medicare beneficiaries,"
75.1(36), Filed Emergency **ARC 2237B** 1/8/03

Medicaid coverage for durable medical equipment and supplies, 78.10(1)"c,"
78.10(1)"d"(6), 78.10(1)"f," 78.10(2)"a"(1), 78.10(2)"b" to "d," 78.10(3)"b,"
78.10(3)"c"(2) and (3), 78.10(4)"a," 78.28(1)"c" and "g" to "j," Filed **ARC 2221B** 1/8/03

Medicaid payment and use of funds; case management for people with
mental retardation, chronic mental illness, or developmental disabilities,
78.33, 78.33(1), 78.33(1)"a" to "c," 78.33(2), 79.1(1)"d," 79.1(2), 80.2(2)"g,"
88.61, 88.73(2), adopt ch 90, Filed Emergency After Notice **ARC 2233B** 1/8/03

Substance abuse services under Iowa plan for behavioral health,
88.61, 88.65(4)"a" to "d," Filed Emergency After Notice **ARC 2234B** 1/8/03

Rescission of 4.3 percent rate cut for services under state payment program,
153.57(3)"b," Filed Emergency After Notice **ARC 2238B** 1/8/03

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Exemption from privacy notice requirements, 90.3(2)"c," 90.4(4), Notice **ARC 2245B** 1/22/03

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Resident licensure, 8.4(2), 9.1, 9.3(1)"c"(3)"3," 9.3(1)"d," 9.4(2)"d"(4), 9.4(2)"e"(6),
9.4(6)"a"(3) and (4), 9.4(6)"b"(3) and (4), 9.5(2)"i," 10.1, 10.3(1), 10.3(3)"a"(1),
10.3(6) to 10.3(10), Notice **ARC 2243B** 1/8/03

Elimination of annual subscription for verification of licensure status,
8.5(1)"a"(3), Filed **ARC 2250B** 1/22/03

Standards of practice; principles of professional ethics,
ch 13 title, 13.10 to 13.12, adopt ch 18, Filed **ARC 2251B** 1/22/03

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Wildlife habitat on private lands, 22.1 to 22.4, 22.5(6)"a" to "d,"

22.7 to 22.9, Filed **ARC 2226B** 1/8/03

State parks and recreation areas, 61.2, 61.4(1)"g"(1) to (3),

61.4(1)"h," 61.9(2), Notice **ARC 2227B** 1/8/03**PHARMACY EXAMINERS BOARD[657]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Control of buprenorphine under schedule III of Controlled Substances Act,

10.38(1), 10.38(2), Filed Emergency **ARC 2231B** 1/8/03**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Mortuary science examiners, ch 100 title, 100.1, 100.2(2), 100.3, 100.4, 100.4(1)"d,"

100.5 to 100.10, 100.10(1)"a"(3), 100.10(1)"b"(3), 100.10(4)"a"(3),

100.10(5)"a," "d," "f" and "o," 100.10(8), 100.11, Notice **ARC 2225B** 1/8/03**TRANSPORTATION DEPARTMENT[761]**Public records and fair information practices, 4.1 to 4.10, Filed **ARC 2220B** 1/8/03

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COMMERCE DEPARTMENT[181]"umbrella"

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20.3(1)"b" to "f," Filed **ARC 2246B** 1/22/03**WORKERS' COMPENSATION DIVISION[876]**

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Contested cases, 4.6, Notice **ARC 2223B**, also Filed Emergency **ARC 2232B** 1/8/03**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

Employer records and reports, 22.2, 22.3(5)"c"(2), 22.3(6)"a" and "n," 22.4 to 22.6,

22.7(1), 22.8(1), 22.8(2), 22.9(1), 22.10(2), 22.11(1), 22.11(4), 22.13(1), 22.13(4),
22.13(6), 22.14, 22.16, 22.17(3), 22.17(4)"f" and "i," 22.17(5), 22.18(2)"b,"
22.18(3), Notice **ARC 2224B** 1/8/03

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)“b” by allowing the opportunity for oral presentation (hearing) to be held at least **twenty** days after publication of Notice in the Iowa Administrative Bulletin.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Water quality standards, 61.2, 61.3, 62.8(2), 72.50(2) IAB 1/8/03 ARC 2228B	Municipal Utilities Conference Room 15 W. Third St. Atlantic, Iowa	February 3, 2003 1 p.m.
	Meeting Room A, Public Library 123 S. Linn St. Iowa City, Iowa	February 4, 2003 10 a.m.
	Meeting Room, City Hall 400 Claiborne Dr. Decorah, Iowa	February 4, 2003 7 p.m.
	Community Center 530 W. Bluff St. Cherokee, Iowa	February 6, 2003 10 a.m.
	Community Meeting Room 15 N. Sixth St. Clear Lake, Iowa	February 6, 2003 6:30 p.m.
	Fifth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	February 7, 2003 1 p.m.
	Community Center 106 W. Niagara Garnavillo, Iowa	February 11, 2003 7 p.m.
Construction of confinement feeding operations in 100-year flood plains of major water sources, 65.1, 65.7 to 65.9, 65.15, 70.2, 70.4, 71.3, 71.13, 72.2, 72.3, 72.13 IAB 1/8/03 ARC 2229B	Municipal Utilities Conference Room 15 W. Third St. Atlantic, Iowa	February 3, 2003 2:30 p.m.
	Meeting Room A, Public Library 123 S. Linn St. Iowa City, Iowa	February 4, 2003 11:30 a.m.
	Meeting Room, City Hall 400 Claiborne Dr. Decorah, Iowa	February 4, 2003 8 p.m.
	Community Center 530 W. Bluff St. Cherokee, Iowa	February 6, 2003 11:30 a.m.
	Community Meeting Room 15 N. Sixth St. Clear Lake, Iowa	February 6, 2003 8 p.m.
	Fifth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	February 7, 2003 2:30 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567] (Cont'd)

Registration of waste tire haulers, ch 116 IAB 1/8/03 ARC 2230B	Fifth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	January 29, 2003 1 p.m.
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INSURANCE DIVISION[191]

Financial information— privacy notice requirements, 90.3(2), 90.4(4) IAB 1/22/03 ARC 2245B	330 Maple St. Des Moines, Iowa	February 11, 2003 10 a.m.
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MEDICAL EXAMINERS BOARD[653]

Resident licensure, 8.4(2), 9.1, 9.3 to 9.5, 10.1, 10.3 IAB 1/8/03 ARC 2243B	Suite C 400 SW Eighth St. Des Moines, Iowa	January 28, 2003 3 p.m.
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NATURAL RESOURCE COMMISSION[571]

State parks and recreation areas, 61.2, 61.4, 61.9(2) IAB 1/8/03 ARC 2227B	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	January 28, 2003 9 a.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Funeral directors, 100.1 to 100.11 IAB 1/8/03 ARC 2225B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	January 29, 2003 9 to 11 a.m.
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UTILITIES DIVISION[199]

Electric franchise and related rules, 11.1 to 11.3, 11.5, 11.6, 11.8, 25.1, 25.2, 25.5 IAB 12/11/02 ARC 2173B	Hearing Room 350 Maple St. Des Moines, Iowa	February 14, 2003 10 a.m.
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WORKFORCE DEVELOPMENT DEPARTMENT[871]

Employer records and reports, 22.1 to 22.11, 22.13 to 22.18 IAB 1/8/03 ARC 2224B	1000 E. Grand Ave. Des Moines, Iowa	January 28, 2003 9:30 a.m.
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Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

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ARC 2247B**AGRICULTURE AND LAND
STEWARDSHIP DEPARTMENT[21]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 159.5(11) and 166D.1, the Department of Agriculture and Land Stewardship hereby proposes to amend Chapter 64, “Infectious and Contagious Diseases,” Iowa Administrative Code.

The purpose of this amendment is to increase from 6 months to 12 months the time period for which a pseudorabies monitoring test is valid for purposes of relocation of swine. The amendment will not change the testing requirements for swine sales.

Any interested persons may make written comments or suggestions on this proposed amendment on or before 4:30 p.m. on February 11, 2003. Such written materials should be directed to Dr. John Schiltz, State Veterinarian, Department of Agriculture and Land Stewardship, Henry Wallace Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-4282. E-mail may be sent to John.Schiltz@idals.state.ia.us.

No waiver provision is included in this proposed amendment because an existing rule allows for waivers in appropriate cases. The waiver rule also applies to the proposed amendment.

This proposed amendment was also Adopted and Filed Emergency and is published herein as **ARC 2249B**. The content of that submission is incorporated by reference.

This amendment is intended to implement Iowa Code chapter 166D.

ARC 2248B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 65, “Administration,” Iowa Administrative Code.

This amendment implements provisions of the 2002 Farm Bill restoring food stamp eligibility to some legal immigrants whose eligibility was limited under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Specifically, this amendment:

- Changes the eligibility threshold for legal permanent residents to five years’ residence in the United States instead

of 40 qualifying quarters of coverage under the Social Security Act.

- Removes a seven-year limit on benefits for refugees, Cuban and Haitian entrants, Amerasians, asylees, and aliens whose deportation or removal has been withheld.

This amendment does not provide for waivers in specified situations because it provides a benefit to the people affected.

Any interested person may make written comments on the proposed amendment on or before February 12, 2003. Comments should be directed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 234.12.

The following amendment is proposed.

Amend rule 441—65.37(234) as follows:

441—65.37(234) Eligibility of blind or disabled noncitizens. Aliens *The following groups of aliens who are lawfully residing in the United States ~~who~~ and are otherwise eligible and are eligible for food stamp benefits:*

65.37(1) *Aliens who are receiving benefits or assistance for blindness or disability as specified in 7 CFR 271.2, as amended to April 6, 1994, ~~are eligible for food stamp benefits~~ regardless of their immigration date.*

65.37(2) *Aliens who have been residing in the United States for at least five years as legal permanent residents.*

65.37(3) *Aliens who hold one of the following statuses:*

a. *A refugee admitted under Section 207 of the Immigration and Nationality Act.*

b. *A Cuban or Haitian entrant admitted under Section 501(e) of the Refugee Education Assistance Act of 1980.*

c. *An Amerasian immigrant admitted under Section 584 of the Foreign Operations, Export Financing and Related Program Appropriations Act.*

d. *An asylee admitted under Section 208 of the Immigration and Nationality Act.*

e. *An alien whose deportation or removal has been withheld under Section 243(h) or 241(b)(3) of the Immigration and Nationality Act.*

ARC 2245B**INSURANCE DIVISION[191]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 505.8, subsection 6, the Insurance Division hereby gives Notice of Intended Action to amend Chapter 90, “Financial and Health Information Regulation,” Iowa Administrative Code.

The proposed amendments provide guidance to licensees and allow them to assist their customers in the replacement of existing coverage. The proposed amendments exempt a licensee from the privacy notice if there is a customer relationship and the licensee is searching for insurance coverage to replace existing coverage or the agent lists or contracts are

INSURANCE DIVISION[191](cont'd)

canceled and the licensee is required to move the existing coverage to a new carrier.

Any person may make written suggestions or comments on the proposed amendments on or before February 11, 2003. Written comments should be directed to Susan E. Voss, 1st Deputy Commissioner, Insurance Division, 330 Maple Street, Des Moines, Iowa 50319, or by fax to (515)281-5692 or by E-mail to susan.voss@iid.state.ia.us.

A public hearing will be held on Tuesday, February 11, 2003, at 10 a.m. in the offices of the Insurance Division, 330 Maple Street, Des Moines, Iowa.

These amendments are intended to implement Iowa Code section 505.8, subsection 6.

The following amendments are proposed.

ITEM 1. Amend subrule **90.3(2)** by adding the following **new** paragraph "**c**":

c. The licensee has a customer relationship with the consumer and the consumer consents to the licensee's searching for insurance coverage to replace existing coverage or the licensee is selling the agency expiration lists or the agency contract is canceled and the licensee is required to move the existing coverage to a new carrier.

ITEM 2. Amend rule 191—90.4(505) by adding the following **new** subrule:

90.4(4) A licensee is only required to provide the initial privacy notice unless the content of the notice is changed or amended.

paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective January 10, 2003, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum 0.80%
32-89 days	Minimum 0.90%
90-179 days	Minimum 1.00%
180-364 days	Minimum 1.10%
One year to 397 days	Minimum 1.20%
More than 397 days	Minimum 1.60%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

NOTICE—PUBLIC FUNDS INTEREST RATES

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for January is 6.00%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED for 74A.3 and 74A.7: A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be

NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

January 1, 2002 — January 31, 2002	6.75%
February 1, 2002 — February 28, 2002	7.00%
March 1, 2002 — March 31, 2002	7.00%
April 1, 2002 — April 30, 2002	7.00%
May 1, 2002 — May 31, 2002	7.25%
June 1, 2002 — June 30, 2002	7.25%
July 1, 2002 — July 31, 2002	7.25%
August 1, 2002 — August 31, 2002	7.00%
September 1, 2002 — September 30, 2002	6.75%
October 1, 2002 — October 31, 2002	6.25%
November 1, 2002 — November 30, 2002	5.75%
December 1, 2002 — December 31, 2002	6.00%
January 1, 2003 — January 31, 2003	6.00%
February 1, 2003 — February 28, 2003	6.00%

ARC 2249B

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 159.5(11) and 166D.1, the Department of Agriculture and Land Stewardship hereby amends Chapter 64, "Infectious and Contagious Diseases," Iowa Administrative Code.

The purpose of this amendment is to increase from 6 months to 12 months the time period for which a pseudorabies monitoring test is valid for purposes of relocation of swine. The amendment does not change the testing requirements for swine sales.

Pursuant to Iowa Code section 17A.4(2), the Department of Agriculture and Land Stewardship finds that notice and public participation are unnecessary because the amendment relaxes testing requirements on Iowa pork producers. Federal funding to defray the costs of testing was curtailed on December 31, 2002. Immediate action was necessary in order to prevent this cost from being shifted onto the producer.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective upon filing with the Administrative Rules Coordinator on January 3, 2003. This amendment confers a benefit on Iowa pork producers by extending the time period for which a monitored test is valid. No waiver provision is included in this rule because an existing rule allows for waivers in appropriate cases. The waiver rule also applies to the amendment adopted in this filing.

This amendment is also published herein under Notice of Intended Action as **ARC 2247B** to allow for public comment.

This amendment is intended to implement Iowa Code chapter 166D.

This amendment became effective January 3, 2003.

The following amendment is adopted.

Amend subrule 64.156(2) as follows:

64.156(2) Iowa monitored feeder pig herd.

a. Test requirements for a monitored feeder pig herd status include a negative herd test every ~~six~~ 12 months of randomly selected breeding animals according to the following schedule:

1-10 head	Test all
11-35 head	Test 10
36 or more	Test 30 percent or 30, whichever is less.

Effective July 1, 2000, all breeding herd locations in Stage II counties must have a monitored or better status or move by restricted movement.

b. A monitored identification card will be sent by first-class mail to the herd owner shown on the test chart if test results qualify the herd as monitored. An expiration date which is ~~six~~ 12 months from the date that the certifying tests were drawn will be printed on the card.

It is the owner's responsibility to retest the herd ~~semiannually~~ annually. The monitored status is voided on the date of expiration. A monitored herd status is revoked if:

- (1) A positive test is recognized and interpreted by a pseudorabies epidemiologist and interpreted as infected.
- (2) Pseudorabies infection is diagnosed.
- (3) Recertification test is not done on time.
- (4) Not enough tests, according to herd size and vaccination status, are submitted.

c. Additions of swine to a monitored herd shall be from noninfected herds, according to Iowa Code section 166D.7.

d. Feeder pigs ~~may be sold for further feeding~~ require a monitoring test conducted within the six months prior to movement ~~without additional testing while the "monitored" status is maintained~~ and if the feeder pigs have been maintained on the same site as the breeding herd.

e. Monitored, or higher, status feeder pigs sold may regain, and maintain, monitored status by a negative test of all or a random sample of 30 head of each segregated group, whichever is less, within 30 days prior to resale.

f. Nursery units located in Stage II counties and not in the vicinity of the breeding herd are required to maintain a monitored status on the nursery unit in order for the swine to be eligible to be relocated to a finishing premises. *Feeder pigs sold from these nursery units must meet the requirements of a negative test of all or a random sample of 30 head of each segregated group, whichever is less, within 30 days prior to sale.* An official random-sample test shall be required for each segregated group of swine on an individual premises every ~~six~~ 12 months for the maintenance of this monitored status. These testing requirements apply to swine eligible for relocation movement. Testing requirements for this random sampling are:

Test 10 head per building, minimum 14 head per site.

Effective July 1, 2000, all nursery locations in Stage II counties must have a monitored or better status or move by restricted movement.

g. Off-site finishing units located in the Stage II counties are required to maintain a monitored status on the finishing unit in order for the swine to be eligible to be sold to slaughter. An official random-sample test will be required for each segregated group of swine on an individual premises every ~~six~~ 12 months for the maintenance of this monitored status. These testing requirements also apply to swine eligible for relocation movement. Testing requirements for this random sampling are:

Test 10 head per building, minimum 14 head per site.

Effective July 1, 2000, all finishing locations in Stage II counties must have a monitored or better status or move by restricted movement.

h. *Relocation, and sales to slaughter, require a 12-month monitoring test.*

[Filed Emergency 1/3/03, effective 1/3/03]

[Published 1/22/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/22/03.

ARC 2250B**MEDICAL EXAMINERS
BOARD[653]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medical Examiners hereby amends Chapter 8, "Fees," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 27, 2002, as **ARC 2135B**. The Board made no changes from the Notice of Intended Action.

The amendment eliminates an annual subscription for unlimited verifications of physician licensure via a password-protected Web site.

The Board approved the amendment during a meeting held via telephone conference call on January 2, 2003.

This amendment is intended to implement Iowa Code chapters 147, 148, and 272C.

This amendment will become effective February 26, 2003.

The following amendment is adopted.

Amend subrule **8.5(1)**, paragraph "**a**," subparagraph (3), as follows:

(3) Verification of licensure status from a password-protected Web site, \$3 per verification ~~or an annual subscription fee of \$2,000 for an unlimited number of verifications in 12 months.~~

[Filed 1/3/03, effective 2/26/03]

[Published 1/22/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/22/03.

ARC 2251B**MEDICAL EXAMINERS
BOARD[653]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Medical Examiners hereby amends Chapter 13, "Standards of Practice and Professional Ethics," and adopts new Chapter 18, "Principles of Professional Ethics," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 27, 2002, as **ARC 2134B**. The Board received public comment from the Iowa Medical Society and, based on its comment, the Board made one change from the Notice of Intended Action. In rule 18.1(147,148,272C), the date for the Code of Medical Ethics prepared and approved by the American Medical Association was changed from "2001" to "2002."

The amendments move the principles of professional ethics for physicians in Iowa from Chapter 13, "Standards of Practice and Professional Ethics," to new Chapter 18, "Principles of Professional Ethics," and rename Chapter 13, "Standards of Practice." In addition, the amendments update references to the Code of Medical Ethics (2002) prepared and approved by the American Medical Association and to the

Code of Ethics (2001) prepared and approved by the American Osteopathic Association.

The Board adopted the amendments during a meeting held via telephone conference call on January 2, 2003.

These amendments are intended to implement Iowa Code chapters 147, 148, and 150.

These amendments will become effective February 26, 2003.

The following amendments are adopted.

ITEM 1. Amend **653—Chapter 13**, title, as follows:

CHAPTER 13**STANDARDS OF PRACTICE AND PROFESSIONAL
ETHICS**

ITEM 2. Rescind rules **653—13.10(147,148,272C)** and **653—13.11(147,148,272C)** and renumber rule **653—13.12(17A,147,148,272C)** as **653—13.10(17A,147,148,272C)**.

ITEM 3. Adopt the following **new** chapter:

CHAPTER 18**PRINCIPLES OF PROFESSIONAL ETHICS**

653—18.1(147,148,272C) Principles of medical ethics. The Code of Medical Ethics (2002) prepared and approved by the American Medical Association and the Code of Ethics (2001) prepared and approved by the American Osteopathic Association shall be utilized by the board as guiding principles in the practice of medicine and surgery and the practice of osteopathic medicine and surgery and osteopathy in this state. These principles are intended to aid physicians individually and collectively in maintaining a high level of ethical conduct. They are not laws but standards by which a physician may determine the propriety of conduct in relationships with patients, with colleagues, with members of allied professions, and with the public. The principal objective of the medical profession is to render service to humanity with full respect for dignity. Physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion.

653—18.2(147,148,272C) American Medical Association Code of Medical Ethics.

18.2(1) A physician should strive continually to improve medical knowledge and skill and should make available to patients and colleagues the benefits of the physician's professional attainments.

18.2(2) A physician should practice a method of healing founded on a scientific basis; and the physician should not voluntarily associate professionally with anyone who violates this principle.

18.2(3) The medical profession should safeguard the public and itself against physicians deficient in moral character or professional competence. Physicians should observe all laws, uphold the dignity and honor of the profession and accept its self-imposed disciplines. They should expose, without hesitation, illegal or unethical conduct of fellow members of the profession.

18.2(4) A physician may choose whom the physician will serve. In an emergency, however, the physician should render service to the best of the physician's ability. Having undertaken the case of a patient, the physician may not neglect the patient; and unless the patient has been discharged the physician may discontinue services only after giving adequate notice. The physician should not solicit patients.

MEDICAL EXAMINERS BOARD[653](cont'd)

18.2(5) A physician should not dispose of the physician's services under terms or conditions which tend to interfere with or impair the free and complete exercise of medical judgment and skill or tend to cause a deterioration of the quality of medical care.

18.2(6) In the practice of medicine, a physician should limit the source of professional income to medical services actually rendered by the physician, or under the physician's supervision to the physician's patients. The physician's fee should be commensurate with the services rendered and the patient's ability to pay. The physician should neither pay nor receive a commission for referral of patients. Drugs, remedies or appliances may be dispensed or supplied by the physician provided they are in the best interest of the patient.

18.2(7) A physician should seek consultation upon request in doubtful or difficult cases or whenever it appears that the quality of medical service may be enhanced thereby.

18.2(8) A physician may not reveal the confidences entrusted to the physician in the course of medical attendance, or the deficiencies the physician may observe in the character of patients, unless the physician is required to do so by law or unless it becomes necessary in order to protect the welfare of the individual or of the community.

18.2(9) The honored ideals of the medical profession imply that the responsibilities of the physician extend not only to the individual, but also to society where these responsibilities deserve the physician's interest and participation in activities which have the purpose of improving both the health and well-being of the individual and the community.

653—18.3(147,148,272C) American Osteopathic Association Code of Ethics.

18.3(1) The physician shall keep in confidence whatever the physician may learn about a patient in the discharge of professional duties. Information shall be divulged by the physician when required by law or when authorized by the patient.

18.3(2) The physician shall give a candid account of the patient's condition to the patient or to those responsible for the patient's care.

18.3(3) A physician-patient relationship must be founded on mutual trust, cooperation, and respect. The patient, therefore, must have complete freedom to choose a physician. The physician must have complete freedom to choose patients whom the physician will serve. In emergencies, a physician should make the physician's services available.

18.3(4) The physician shall give due notice to the patient or to those responsible for the patient's care when the physician withdraws from a case so that another physician may be summoned.

18.3(5) A physician is never justified in abandoning a patient.

18.3(6) A physician shall practice in accordance with the body of systematized knowledge related to the healing arts and shall avoid professional association with individuals or organizations which do not practice or conduct their affairs in accordance with such knowledge.

18.3(7) A physician shall not be identified in any manner with testimonials for proprietary products or devices advertised or sold directly to the public.

18.3(8) A physician shall not hold forth or indicate possession of any degree recognized as the basis for licensure to practice the healing arts unless the physician is actually licensed on the basis of that degree in the state in which the physician practices.

18.3(9) A physician shall obtain consultation whenever requested to do so by the patient. A physician should not hesitate to seek consultation whenever the physician believes it advisable.

18.3(10) Illegal, unethical or incompetent conduct of physicians shall be revealed to the proper tribunals.

18.3(11) A physician shall not assume treatment of a patient under the care of another physician except in emergencies and only during the time that the attending physician is not available unless requested by the patient.

18.3(12) Any fee charged by a physician shall be reasonable.

18.3(13) A physician shall not pay or receive compensation for referral of patients.

18.3(14) The physician shall cooperate fully in complying with all laws and regulations pertaining to practice of the healing arts and protection of the public health.

653—18.4(17A,147,148,272C) Waiver or variance prohibited. Rules in this chapter are not subject to waiver or variance pursuant to 653—Chapter 3 or any other provision of law.

These rules are intended to implement Iowa Code sections 17A.9A, 147.55 and 147.76.

[Filed 1/3/03, effective 2/26/03]

[Published 1/22/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/22/03.

ARC 2246B

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 476.1, and 476.2, the Utilities Board (Board) issued an order on December 27, 2002, in Docket No. RMU-02-6, In re: Natural Gas and Electric Master Metering, "Order Adopting Amendments and Closing Docket," that adopted the rescission of existing paragraphs 199 IAC 19.3(1)"b" and 20.3(1)"b" and adopted new paragraphs 199 IAC 19.3(1)"b," "c," and "d," and 20.3(1)"b," "c," and "d." In addition, the Board relettered existing paragraphs 19.3(1)"c" and "d" as "e" and "f," and 20.3(1)"c" and "d" as "e" and "f." Notice of Intended Action was published in IAB Vol. XXV, No. 2 (7/24/02) p. 141, **ARC 1836B**.

The purpose of the rule making is to clarify the Board's rules concerning the individual metering requirements for providing natural gas and electric service and to provide more specific standards for an owner or landlord to master meter a building with multiple occupants. The rule making proposed to restructure the description of when master metering was allowed and to define the term "impractical" used in the existing rule. The Board also included in the proposed amendments a prohibition on master metering of multiple buildings with an exception to allow master metering of multiple buildings owned by the same person or entity.

Written comments were filed by MidAmerican Energy Company (MidAmerican), Interstate Power and Light Company (IPL), the Consumer Advocate Division of the Department of Justice (Consumer Advocate), Iowa Association of Municipal Utilities (IAMU), and Aquila, Inc., d/b/a Aquila Networks. An oral presentation was held on August 21,

UTILITIES DIVISION[199](cont'd)

2002, at which IPL, MidAmerican, IAMU, and Consumer Advocate appeared and made comments. The Iowa Association of Electric Cooperatives also appeared and made oral comments.

By order issued August 26, 2002, the Board allowed parties to file additional comments suggesting modification to the proposed language in 199 IAC 19.3(1)"c" and 20.3(1)"c." Additional comments were filed by IPL and MidAmerican.

In the order adopting the amendments, the Board discusses the comments filed concerning the proposed rule making and the modifications made in response to those comments. The Board's order may be found at the Board's Web site at www.state.ia.us/iub, or a copy of the order may be obtained from the Board's Records Center, 350 Maple Street, Des Moines, Iowa 50319-0069.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, and 476.2.

These amendments will become effective February 26, 2003.

The following amendments are adopted.

ITEM 1. Rescind paragraph **19.3(1)"b,"** reletter paragraphs "**c**" and "**d**" as "**e**" and "**f**," and adopt **new** paragraphs "**b**," "**c**," and "**d**" as follows:

b. The amount of all gas delivered to multioccupancy premises within a single building, where units are separately rented or owned, shall be measured on the basis of individual meter measurement for each unit, except in the following instances:

(1) Where gas is used in centralized heating, cooling or water-heating systems;

(2) Where a facility is designated for elderly or handicapped persons;

(3) Where submetering or resale of service was permitted prior to 1966; or

(4) Where individual metering is impractical. "Impractical" means: (1) where conditions or structural barriers exist in the multioccupancy building that would make individual meters unsafe or physically impossible to install; (2) where the cost of providing individual metering exceeds the long-term benefits of individual metering; or (3) where the benefits of individual metering (reduced and controlled energy consumption) are more effectively accomplished through a master meter arrangement.

If a multioccupancy building is master-metered, the end-user occupants may be charged for natural gas as an unidentified portion of the rent, condominium fee, or similar payment, or, if some other method of allocating the cost of the gas service is used, the total charge for gas service shall not exceed the total gas bill charged by the utility for the same period.

c. Master metering to multiple buildings is prohibited, except for multiple buildings owned by the same person or

entity. Multioccupancy premises within a multiple building complex may be master-metered pursuant to this paragraph only if the requirements of paragraph 19.3(1)"b" have been met.

d. For purposes of this subrule, a "master meter" means a single meter used in determining the amount of natural gas provided to a multioccupancy building or multiple buildings.

ITEM 2. Rescind paragraph **20.3(1)"b,"** reletter paragraphs "**c**" and "**d**" as "**e**" and "**f**," and adopt **new** paragraphs "**b**," "**c**," and "**d**" as follows:

b. The amount of all electricity delivered to multioccupancy premises within a single building, where units are separately rented or owned, shall be measured on the basis of individual meter measurement for each unit, except in the following instances:

(1) Where electricity is used in centralized heating, cooling, water-heating, or ventilation systems;

(2) Where a facility is designated for elderly or handicapped persons;

(3) Where submetering or resale of service was permitted prior to 1966; or

(4) Where individual metering is impractical. "Impractical" means: (1) where conditions or structural barriers exist in the multioccupancy building that would make individual meters unsafe or physically impossible to install; (2) where the cost of providing individual metering exceeds the long-term benefits of individual metering; or (3) where the benefits of individual metering (reduced and controlled energy consumption) are more effectively accomplished through a master meter arrangement.

If a multioccupancy building is master-metered, the end-user occupants may be charged for electricity as an unidentified portion of the rent, condominium fee, or similar payment, or, if some other method of allocating the cost of the electric service is used, the total charge for electric service shall not exceed the total electric bill charged by the utility for the same period.

c. Master metering to multiple buildings is prohibited, except for multiple buildings owned by the same person or entity. Multioccupancy premises within a multiple building complex may be master-metered pursuant to this paragraph only if the requirements of paragraph 20.3(1)"b" have been met.

d. For purposes of this subrule, a "master meter" means a single meter used in determining the amount of electricity provided to a multioccupancy building or multiple buildings.

[Filed 12/27/02, effective 2/26/03]

[Published 1/22/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/22/03.

AGENCY	RULE	DELAY
Human Services Department[441]	77.37(14)“e”(2), 77.39(13)“e,” 78.41(1)“c”(3), 78.41(1)“d,” 78.43(2)“c,” 78.43(2)“c”(3), 78.43(2)“d” [IAB 12/11/02, ARC 2161B]	Effective date of December 15, 2002, delayed 70 days by the Administrative Rules Review Committee at its meeting held December 10, 2002. [Pursuant to §17A.4(5)]
	90.2(5), 90.3 [IAB 1/8/03, ARC 2233B]	Effective date of January 1, 2003, delayed 70 days by the Administrative Rules Review Committee at a special meeting held December 19, 2002. [Pursuant to §17A.4(5)]

IOWA ADMINISTRATIVE BULLETIN
Customer Service Center
Department of General Services
Hoover State Office Building, Level A
Des Moines, Iowa 50319

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